

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALIANZA AMERICAS, YANET DOE, PABLO DOE, and JESUS DOE, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

RONALD D. DESANTIS, Governor of Florida, in his official and personal capacities; JARED W. PERDUE, Secretary of the Florida Department of Transportation, in his official and personal capacities; LAWRENCE A. KEEFE, Florida Public Safety Czar, in his official and personal capacities; JAMES UTHMEIER, Chief of Staff to Florida Governor, in his official and personal capacities; STATE OF FLORIDA; THE FLORIDA DEPARTMENT OF TRANSPORTATION; JAMES MONTGOMERIE; PERLA HUERTA; and VERTOL SYSTEMS COMPANY, INC.,

Defendants.

Civil Action No. 1:22-cv-11550-ADB

REQUEST FOR ORAL ARGUMENT

**STATE DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), (2), (3), and (6), State Defendants—State of Florida, Florida Department of Transportation, Governor Ronald D. DeSantis, Secretary Jared W. Perdue, Lawrence A. Keefe, and James Uthmeier (including the officials in both their official and personal capacity)—respectfully move this Honorable Court to dismiss Plaintiffs' First Amended Complaint (ECF Doc. 21) in its entirety. In support thereof, State Defendants rely upon the accompanying Memorandum of Law. As explained in more detail in the accompanying Memorandum of Law, this Court, *inter alia*, lacks personal jurisdiction over State Defendants and subject-matter jurisdiction over Plaintiffs' claims; this Court is an improper venue; and Plaintiffs First Amended Complaint fails to state a claim against any State Defendant.

WHEREFORE, State Defendants respectfully request that the Court grant their motion to dismiss the First Amended Complaint in its entirety.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), State Defendants respectfully request oral argument for this motion. State Defendants believe that oral argument may assist the court.

Dated: February 28, 2023

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Respectfully submitted,

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

In accordance with Local Rule 7.1(a)(2), I hereby certify that counsel for State Defendants conferred and attempted in good faith to resolve or narrow the issues set forth in this motion with Plaintiffs' counsel via e-mail on February 27, 2023, and Plaintiffs' counsel opposed this motion.

Dated: February 28, 2023

s/ Bryan Weir

CERTIFICATE OF SERVICE

I hereby certify that I filed this document through the Court's ECF system on February 28, 2023, which will therefore automatically be sent electronically to all counsel of record via the CM/ECF system.

Dated: February 28, 2023

s/ Bryan Weir